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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

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18 ANTONIO CRUZ-TEPETZI, an individual;  
19 ADAM PASQUALI, an individual,

CASE NO. 2:22-CV-00299-JCM-NJK

20 Plaintiffs,

**Stipulation and ~~Proposed~~ Order to Extend  
Discovery**

21 vs.

**(First Request)**

22 FRANCISCO VELASCO HERNANDEZ, JR.,  
23 an individual; WAL-MART  
24 TRANSPORTATION, LLC, a foreign limited-  
liability company; and DOES I through X, and  
ROE CORPORATIONS I through X, inclusive,

Defendants.

25 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of  
26 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
ninety (90) days from the current deadline of August 31, 2022 up to and including November 30,  
2022. In addition, the parties request that all other future deadlines contemplated by the Discovery  
Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and  
Request, the parties state as follows:

27 1. On December 14, 2021, Plaintiffs filed their Complaint in the District Court, Clark  
28 County, Nevada.

29 2. On February 17, 2022 Defendants removed the case to United States District Court  
30 and filed their Certificate of Interested Parties.

- 1       3.     On March 11, 2022, Plaintiffs served their Initial Rule 26(f) Disclosures.
- 2       4.     On March 11, 2022, Defendants served their Initial Rule 26(f) Disclosures.
- 3       5.     On March 18, 2022, the parties submitted a Joint Status Report Pursuant to the
- 4 Court's Minute Order Dated February 17, 2022.
- 5       6.     On March 28, 2022, Defendant Wal-Mart Transportation, LLC served their First Set
- 6 of Interrogatories and Requests for Production of Documents to Plaintiff Antonio Cruz-Tepetzi.
- 7       7.     On March 28, 2022, Defendant Wal-Mart Transportation, LLC served their First Set
- 8 of Interrogatories and Requests for Production of Documents to Plaintiff Adam Pasquali.
- 9       8.     On April 13, 2022, Plaintiffs served their First Set of Requests for Admission,
- 10 Interrogatories and Requests for Production of Documents to Defendant Francisco Velasco
- 11 Hernandez, Jr.
- 12       9.     On April 13, 2022, Plaintiffs served their First Set of Requests for Admission,
- 13 Interrogatories and Requests for Production of Documents to Defendant Wal-Mart Transportation,
- 14 LLC.
- 15       10.    On April 28, 2022, Defendants inspected and photographed the tractor involved in the
- 16 subject accident.
- 17       11.    On May 6, 2022, Defendants served their First Supplemental Rule 26(f) Disclosures.
- 18       12.    On May 9, 2022, Plaintiff Antonio Cruz-Tepetzi served his Answers to Defendant
- 19 Wal-Mart Transportation, LLC's First Set of Interrogatories and Responses to Requests for
- 20 Production of Documents.
- 21       13.    On May 9, 2022, Plaintiff Adam Pasquali served his Answers to Defendant Wal-Mart
- 22 Transportation, LLC's First Set of Interrogatories and Responses to Requests for Production of
- 23 Documents.
- 24       14.    On May 9, 2022, Walmart served its responses to plaintiffs' First Set of Requests for
- 25 Admissions.
- 26       15.    On May 9, 2022, Mr. Velasco Hernandez served his responses to Plaintiffs' First Set
- 27 of Requests for Admissions.
- 28

16. On May 23, 2022, Defendants served their Rule 26(f) Disclosures (Second Supplement).

17. On June 2, 2022, Defendants served their Rule 26(f) Disclosures (Third Supplement).

18. On June 2, 2022, Defendants served their Rule 26(f) Disclosures (Fourth Supplement).

## Discovery Remaining

1. The parties will continue participating in written discovery.
  2. Defendants will take the deposition of Plaintiffs.
  3. Plaintiffs will take the deposition of Defendant Wal-Mart Transportation, Inc.'s FRCP  
5) witness.
  4. Plaintiffs will take the deposition of Defendant Francisco Velasco Hernandez, Jr.
  5. The parties may take the depositions of any and all other witnesses garnered through  
every and specifically, the NLPD Officer who investigated the accident.
  6. On May 12, 2022, Defendants subpoenaed records, but still have not received  
all, billing, and/or diagnostic imaging records from Nevada Pain Care, Northeastern  
Practic, PBS Anesthesia, Pueblo Medical Imaging, Ross Medical Group, SimonMed Imaging,  
Pain Surgery Center, Dana Forte, D.O. and Walmart Pharmacy.
  7. Expert retention and disclosures.
  8. The parties will participate in a joint inspection of the plaintiffs' automobile.
  9. Defendant Wal-Mart Transportation, LLC is in the process of locating any disclosing  
nal video depicting the subject collision and the scene of the collision.

## **Why Remaining Discovery Has Not Been Completed**

1. On May 9, 2022, Defendants received medical consents from the plaintiffs. Those consents are required before heath care providers will release medical records. Mr. Cruz-Tepitzi is in the process of identifying the surgeon and facility where he had a surgical procedure approximately one week after the subject accident. Based on the medical records disclosed to date, this surgery was scheduled before the subject accident. This surgery will be relevant to assessing causation and or apportionment for injuries sustained in the subject accident.

1           2. The aforementioned vehicle inspection requires coordination of Plaintiff Cruz-  
2 Tepetzi, counsel for Plaintiffs and Defendants, as well as their respective experts, and an agreement  
3 as to when and where to conduct said inspection. Being that the primary purpose of the supplemental  
4 inspection is to assess whether there is additional property damage under the bumper, it is necessary  
5 to conduct said inspection at a body shop.

6           3. Walmart and Mr. Velasco Hernandez's responses to plaintiffs' interrogatories and  
7 responses to request to produce are due June 10, 2022. This discovery has not been completed as the  
8 parties are in active discussions about streamlining discovery, which may include stipulations to  
9 withdraw certain affirmative defenses and claims for relief.

Scheduled Event	Current Deadline	Proposed Deadline
Final date to amend pleadings or add parties	June 2, 2022	Closed
Initial Expert Disclosures	July 1, 2022	October 3, 2022
Rebuttal Expert Disclosures	August 1, 2022	November 1, 2022
Discovery Cut-Off	August 31, 2022	November 30, 2022
Final Date for Dispositive Motions	September 30, 2022	December 30, 2022
Joint Proposed Pre-Trial Order	October 31, 2022 or 30 days after resolution of dispositive motions	January 31, 2023 or 30 days after resolution of dispositive motions

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The parties respectfully request that this Court extend the discovery period by ninety (90) days from the current deadline of August 31, 2022 up to and including November 30, 2022, and the other dates as outlined in accordance with the table above.

Dated this 3<sup>rd</sup> day of June, 2022.

Dated this 3<sup>rd</sup> day of June, 2022.

## STEPHENSON & DICKINSON, P.C.

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Order

**IT IS SO ORDERED.**

Dated: June 6, 2022

## **United States Magistrate Judge**